UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA NORTHERN DIVISION

No. 2:10-CR-54-F

UNITED STATES OF AMERICA,)	
)	
)	
)	
v.)	ORDER
)	
)	
SHIRLENE REESE BOONE,)	
)	
)	
Defendant.)	

This matter is before the court on the *pro se* filing labeled "MOTION REQUESTING GRAND JURY TRANSCRIPTS IN UNDER THE FREEDOM OF INFORMATION ACT IN ACCORDANCE TO [5 U.S.C. § 552][.]" The Government has filed a Response [DE-67] in opposition. This matter is now ripe for ruling.

Specifically, Defendant, in her motion, requests "the Grand Jury Transcripts of the hearing which resulted in the Indictment Case # 2-10-CR-54-F1 in order to give accurate account of certain matters that occur[r]ed before the Grand Jury in [her] appeal." Defendant further claims that her "claim arises by virtue of the [Freedom of Information Act ("FOIA")]...[and] [t]he information sought...is not exempt from disclosure under the FOIA." The Government, in response, claims that it will forward Defendant's request for information pursuant to the FOIA to the Office of Information Policy ("OIP"), but will note that, Defendant, in the plea agreement, agreed:

To waive all rights, whether asserted directly or through a representative, to request or receive from the United States any records pertaining to the investigation or prosecution of this matter, except as provided in the Federal Rules of Criminal Procedure. This waiver includes, but is not limited to, rights conferred by the

Freedom of Information Act of 1974."

An independent review of Defendant's plea agreement indicates that she, indeed, waived her rights conferred by the FOIA. Accordingly, to the extent that Defendant is requesting a copy of the Grand Jury Transcripts under the FOIA, that request is **DENIED**. The Government is advised to forward Defendant's request to the OIP for normal processing, if it has not already done so, with the added notification that Defendant has waived any such right under the FOIA.

SO ORDERED

This the 21^{1} day of June, 2012.

JAMES C. FOX

Senior United States District Judge

¹ Rule 6(e) of the Federal Rules of Criminal Procedure governs secrecy and disclosure with regard to grand jury proceedings. According to the Supreme Court, "[p]arties seeking grand jury transcripts under Rule 6(e) must show that the material they seek is needed to avoid a possible injustice in another judicial proceeding, that the need for disclosure is greater than the need for continued secrecy, and that their request is structured to cover only material so needed." *Douglas Oil Co. v. Petrol Stops Northwest*, 441 U.S. 211, 222 (1979).